

Notice of Allowability	Application No.	Applicant(s)	
	10/066,827	LEWIT ET AL.	
	Examiner	Art Unit	
	Hai Vo	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the filing of 02/14/2005.
2. ☒ The allowed claim(s) is/are 1-10 and 19-27.
3. ☒ The drawings filed on 04 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>0217</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Terminal Disclaimer

1. The terminal disclaimer filed on 12/03/2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6,497,190 has been reviewed and is accepted. The terminal disclaimer has been recorded.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert J. Sacco on 02/14/2005.

The application has been amended as follows:

The claims:

Claim 1: line 10, insert --a-- after "whereby".

Claim 5: line 3, insert --second-- before "flow channel".

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance: Note that the double patenting rejections have been overcome by the terminal disclaimer filed on 12/03/2004. Further, Examiner's amendment and evidence of common ownership of US 6,755,998 filed on 02/14/2005 are sufficient to overcome the art rejections and sufficient to place the instant claims in condition for allowance.

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Of the references of record, the most pertinent are Lewit et al (US 5,664,518), Lewit (US 6,497,190) and Reichard et al (US 6,755,998).

Neither Lewit '518 nor Lewit'190 discloses or suggests the composite part comprising a fabric layer **enclosing** an elongated channel between the first elongated side of the foam core and the fabric layer. Both of the cited references instead disclose the composite part wherein the outer fabric layer attached to the inner fabric layer which corresponds to claimed elongated channel.

As indicated in the 02/08/2005 Interview summary, the claims can be further rejected under 103 (c) as being unpatentable over Reichard et al (US 6,755,998) in view of Becker et al (US 5,262,230). Reichard discloses a channel insert 16 comprising all the elements as recited by the claims except the fabric layer 47 formed from a three dimensional plastic mesh. The fabric layer 47 corresponds to Applicants' flow channel. Becker, however, teaches a lightweight composite material for use in the boat construction containing reinforcing fibers in a thermoset matrix in three-dimensional mesh structure (abstract, column 5, lines 1-3, and 42) to provide a composite material with high corrosion resistance, high impact strength, and high tensile strength. Becker discloses the three-dimensional plastic mesh having a porosity of at least 50%, meeting the specific range required by the claims (column 1, lines 15-17). Becker discloses the three-dimensional plastic mesh defines interstices for passage of resin (column 1, lines 10-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the three-dimensional plastic

mesh for the three-dimensional matrix fibers as taught in Becker motivated by the desire to provide the composite part having corrosion resistance, high impact strength, and high tensile strength. The evidence of common ownership filed on 02/14/2005 shows that the US Patent 6,755,998 and the present invention were, at the time the invention was made, owned by the same assignee. The evidence of common ownership is sufficient to overcome the art rejections over Reichard et al (US 6,755,998) in view of Becker et al (US 5,262,230). Additionally, it is noted that no double patenting rejections are made over US 6,755,998 because the claims of US 6,755,998 are directed to a process of making a high strength panel, which is patentably distinguished from the composite material as presently claimed.

All of three cited references do not disclose or suggest the composite part comprising a second fabric layer interposed between the foam core and the flow channel media as recited in claims 22-27.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Vo whose telephone number is (571) 272-

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1485. The examiner can normally be reached on M,T,Th, F, 7:00-4:30 and on alternating Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HV

Hai Vo
Tech Center 1700